

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

INHANCE TECHNOLOGIES LLC,

Defendant.

CIVIL ACTION NO. 22-5055

NOTICE

Plaintiff, the United States of America (“United States”), acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), submits this Notice to inform the Court of a mistaken statement in the United States’ Memorandum in Opposition to Inhance Technologies LLC’s Motion to Dismiss (“Memorandum”). ECF No. 25. The United States advises that footnote 1 in its Memorandum incorrectly states that EPA granted a request by Defendant Inhance Technologies LLC (“Inhance”) to “extend” the agency’s review of regulatory submissions submitted by Inhance by 60 days. ECF No. 25 at 12 n.1. Although it is not material to the legal issues presented in the motion to dismiss, EPA granted Inhance’s request to “suspend,” not “extend,” the agency’s review for 60 days. *Compare* 40 C.F.R. § 720.75(b) (suspensions of EPA’s review period), *with id.* § 720.75(c) (extensions of EPA’s review period).

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

TODD KIM
Assistant Attorney General

Environment and Natural Resources Division
United States Department of Justice

Dated: March 24, 2023

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CERTIFICATE OF SERVICE

The foregoing Notice has been filed electronically using the ECF system and is available for viewing and downloading from the ECF system. Counsel for the Plaintiff also has served by email an electronic copy of this Notice on counsel for Defendant.

DATE: March 24, 2023

/s/ Richard Gladstein
RICHARD GLADSTEIN